

DELEGATE MUDD: What is your question, sir?

DELEGATE MALKUS: I am going to finish my remark and then I will ask you my question. You cannot be somebody with nobody. That is exactly what you are proposing. Now, my question to you is this: if we have a sitting judge and in the eyes of the people there is someone who is much better qualified to serve them as judge, why should that person not have the opportunity to run against the incumbent judge?

DELEGATE MUDD: The answer to your first question is you can beat an incumbent with a nobody, because it has been done in other states.

THE CHAIRMAN: Just a second, Delegate Malkus. He had only answered your first question.

DELEGATE MUDD: Yes, the answer to your second question would be if the incumbent is removed, because of his record, then the better qualified person who could not run against him in a live election would be eligible for appointment.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: Did I understand you to say that he would be eligible?

DELEGATE MUDD: Yes.

DELEGATE MALKUS: I saw you nod in affirmance. Would that mean, of course, that this other man would then be selected as judge?

DELEGATE MUDD: Not necessarily. He would be eligible for appointment and if he was the best of the best, I am confident he would be on the list.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: My last question. Do you or do you not think that the people are qualified to decide who their judges should be?

DELEGATE MUDD: Under this method, they are better qualified to vote at that time than under the present system we have, in my judgment.

THE CHAIRMAN: Do you have a further question?

DELEGATE MALKUS: His answer, Mr. President, I cannot understand it.

THE CHAIRMAN: You can debate his answer later. Do you have another question now?

DELEGATE MALKUS: I would like to ask him the question again.

THE CHAIRMAN: Rephrase your question.

DELEGATE MALKUS: Do you not think that in the event that there are several attorneys in an area that would like to be judge, that after the appointment is made, if they do not succeed, that the people in a democracy should have the right to say which of those attorneys should be their judge?

DELEGATE MUDD: I can only answer the question this way, Senator Malkus. If a judge appointed to a vacancy at the time he must run for election is then subjected to live opposition from two competing lawyers, in my personal opinion, and I think it is the feeling of a majority of the Committee, that sort of political campaign subjects those aspiring to the office including the incumbent to the type of exposure and competition at the polls which is unbecoming the judiciary and in our view militates against the best administration of justice.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: Mr. President, I said I was not going to ask any more questions but when the Chair talks like he does about politics, then I am going to have to ask him several other questions.

THE CHAIRMAN: You may be permitted to ask him a question. Proceed, Delegate Malkus.

DELEGATE MALKUS: Thank you, sir. Is there any more politics anywhere in the State of Maryland than exists in the Maryland Bar Association and among lawyers of Maryland?

DELEGATE MUDD: The testimony before our Committee from a distinguished witness was that there was more in the Methodist Church than in the Bar Association.

*(Laughter.)*

I have forgotten who the witness was.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: Answering what he has just said, I made that statement.

*(Laughter.)*

I do not believe I made it exactly that way. I did not say there was more in the